

Echevarria v Soho Broome Condos, LLC
2022 NY Slip Op 33693(U)
October 28, 2022
Supreme Court, New York County
Docket Number: Index No. 153526/2021
Judge: William Franc Perry
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. WILLIAM FRANC PERRY PART 23

Justice

-----X

KEAMESHA ECHEVARRIA, AS ADMINISTRATOR OF THE
ESTATE OF GREGORY ECHEVARRIA, and KEAMESHA
ECHEVARRIA INDIVIDUALLY,

Plaintiff,

- v -

SOHO BROOME CONDOS, LLC, 570 BROOME
CONDOMINIUM, BOARD OF MANAGERS OF 570
BROOME CONDOMINIUM, KSK CONSTRUCTION GROUP
LLC, AGIME GROUP LLC, AGIME GROUP LLC D/B/A 570
BROOME STREET-AGIME GROUP, COPPER SERVICES
LLC, UNITED CRANE AND RIGGING SERVICES, INC,

Defendant.

-----X

KSK CONSTRUCTION GROUP LLC

Plaintiff,

-against-

CRANES EXPRESS, INC.

Defendant.

-----X

UNITED CRANE AND RIGGING SERVICES, INC

Plaintiff,

-against-

CRANES EXPRESS, INC.,

Defendant.

-----X

COPPER SERVICES LLC

Plaintiff,

-against-

**DECISION + ORDER ON
MOTION**

Third-Party
Index No. 595428/2021

Second Third-Party
Index No. 595532/2021

Third Third-Party
Index No. 595700/2021

CRANES EXPRESS, INC.

Defendant.

-----X

SOHO BROOME CONDOS, LLC

Fourth Third-Party
Index No. 595694/2022

Plaintiff,

-against-

CRANES EXPRESS, INC.

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 002) 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 85, 86, 87, 88, 89

were read on this motion to/for PRO HAC VICE.

Upon the foregoing documents, the motion of Plaintiff Keamesha Echevarria (“Echevarria”), as Administrator of Gregory Echevarria (“Decedent”), and Echevarria, individually, for *pro hac vice* admission of Stephen M. Tunstall, Esq., is granted and the cross motion seeking to permit Sarah Ramirez to intervene in this action as a party plaintiff, is denied in its entirety.

The opposition and cross-motion to intervene by non-party Sarah Ramirez (“Ramirez”) are without merit and procedurally improper. (NYSCEF Doc No. 63, Opposition.) The Hon. Carol R. Edmead, by decree dated June 28, 2022, issued Letters of Administration to Echevarria and revoked the Temporary Letters of Administration previously issued to both Echevarria and Ramirez. (NYSCEF Doc No. 55.) The Surrogate’s Court ruling was a final determination by a court of concurrent jurisdiction, and this court will not disturb the Surrogate’s Court ruling.

Moreover, cross-movant Ramirez’ attempt to manufacture prejudice on this record, does not provide a basis to oppose plaintiff’s motion for *pro hac vice* admission of Stephen M. Tunstall, Esq., and is belied by the caselaw she cites, which provides that “[t]he element of prejudice is

totally unrelated to legal qualifications and the reasons for the enactments of the applicable statutes and rules.” (*18 Intl. v Interstate Express*, 116 Misc 2d 66, 68 [Sup Ct, NY County 1982]; Opposition at ¶ 14.) “Since the movant has established the legal qualification, expertise, and good standing of Mr. [Tunstall, *see* NYSCEF Doc Nos. 60-61], and the opposition has offered no relevant facts to the contrary, the motion to admit Mr. [Tunstall] *pro hac vice* for the purposes of this litigation is granted.” (*18 Intl.*, 116 Misc 2d at 68.)

Additionally, this court finds no reason to disturb the Surrogate’s Court ruling, revoking the Temporary Letters of Administration previously issued to both Echevarria and Ramirez, and appointing Keamesha Echevarria as the sole Administrator of the estate of Gregory Echevarria, the deceased. (NYSCEF Doc No. 55.)

Accordingly, it is hereby

ORDERED that the motion for leave to appear *pro hac vice* is granted and Stephen M. Tunstall, Esq. is permitted to appear and to participate in this action on behalf of Plaintiff Keamesha Echevarria, as Administrator of the Estate of Gregory Echevarria, and Keamesha Echevarria, individually, and it is further

ORDERED that he shall at all times during this action be associated with counsel who is a member in good standing of the Bar of the State of New York and is attorney of record for the aforesaid party; and it is further

ORDERED that all pleadings, briefs, and other papers filed with the court shall be signed by the attorney of record, who shall be responsible for such papers and for the conduct of this action; and it is further

ORDERED that, pursuant to Section 520.11 of the Rules of the Court of Appeals and Section 602.2 of the Rules of the Appellate Division, First Department, the attorney hereby

admitted *pro hac vice* shall be familiar with and abide by the standards of professional conduct imposed upon members of the New York Bar, including the rules of the courts governing the conduct of attorneys and the Rules of Professional Conduct; and it is further

ORDERED that he shall be subject to the jurisdiction of the courts of the State of New York with respect to any acts occurring during the course of his participation in this matter; and it is further

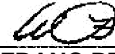
ORDERED that said counsel shall notify the court immediately of any matter or event in this or any other jurisdiction that affects his standing as a member of the bar; and it is further

ORDERED that the cross-motion seeking to permit Sarah Ramirez to intervene in this action as a party plaintiff, is denied in its entirety; and it is further

ORDERED that the caption, all papers, pleadings, and proceedings in the above-entitled action be amended to reflect the name of KEAMESHA ECHEVARRIA as sole Administrator of the Estate of GREGORY ECHEVARRIA, deceased, as plaintiff in the place and stead of the plaintiffs, KEAMESHA ECHEVARRIA AND SARAH RAMIREZ AS LIMITED TEMPORARY CO-ADMINISTRATORS OF THE ESTATE OF GREGORY ECHEVARRIA, without prejudice to the proceedings heretofore had herein; and it is further

ORDERED that counsel for plaintiff shall serve a copy of this order with notice of entry upon the Clerk of the Court (60 Centre Street, Room 141B) and the Clerk of the General Clerk's Office (60 Centre Street, Room 119), who are directed to amend their records to reflect such change in the caption herein; and it is further

ORDERED that such service upon the Clerk of the Court and the Clerk of the General Clerk’s Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the “E-Filing” page on the court’s website at the address www.nycourts.gov/supctmanh).

10/28/2022					
DATE			WILLIAM FRANC PERRY, J.S.C.		
CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>
			<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>
				REFERENCE	<input type="checkbox"/>